

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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ROBERT L. COLLINS BEY,

Plaintiff,

v.

GARY H. HAMBLIN, et al.,

Defendants.

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ORDER

Case No. 17-cv-784-jdp

On October 19, 2017, I entered an order assessing plaintiff Robert L. Collins Bey an initial partial payment of \$1.34 due by November 9, 2017. Now plaintiff has submitted a letter (dkt. #5), which I will construe as motion to waive the initial partial filing fee, and has included a copy of correspondence plaintiff sent to prison officials requesting \$1.34 be disbursed from plaintiff's inmate account to pay the initial partial filing fee for this case. The institution's business office responded to plaintiff's correspondence by stating, "Advise the court that you have no money and, that all incoming funds go towards obligations (filing fees)."

After re-evaluating the trust fund account statement plaintiff provided to the court on October 19 (dkt. #3) in connection with the institution's business office response, it appears that plaintiff presently has no means with which to pay the filing fee or to make an initial partial payment. Under these circumstances, I will waive the \$1.34 initial partial filing fee assessed in this case. However, even if this court ultimately determines that plaintiff's complaint cannot go forward, plaintiff is advised that the full \$350 filing fee for indigent litigants remains plaintiff's obligation. *See* 28 U.S.C. § 1915A.

Because plaintiff is a prisoner, plaintiff is subject to the Prison Litigation Reform Act, which requires the court to screen his complaint to determine whether any portion is frivolous

or malicious, fails to state a claim on which relief may be granted or seeks monetary relief from a defendant who is immune from such relief.

## ORDER

IT IS ORDERED that:

1. Plaintiff Robert L. Collins Bey's motion to waive the initial partial filing fee, dkt. 5, is GRANTED.

2. No further action will be taken in this case until the court has screened the complaint as required by the Prisoner Litigation Reform Act, 28 U.S.C. § 1915(e)(2). Once the screening process is complete, a separate order will issue.

Entered this 3rd day of November, 2017.

BY THE COURT:

/s/  
PETER OPPENEER  
Magistrate Judge